



INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms
Washington, D.C. 20226

Number: 75-21

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PUBLICATION OF ADMINISTRATIVE ACTIONS TAKEN BY ATF

Proprietors of Distilled Spirits Plants, Bonded Wine Cellars,
Taxpaid Wine Bottling Houses; Brewers, Importers, Whole-
sale Malt Liquor Dealers, Wholesale Liquor Dealers and
Others Concerned:

As many of you are aware, it has been the policy of the Bureau of ATF to publish brief synopses of offers-in-compromise in the ATF Bulletin. Copies of Abstracts and Statements relating to offers are also available for public inspection for a period of one year from the date of acceptance in the office of the Regional Director who received the offer, as well as in the Office of the Assistant to the Director (Public Affairs) at Bureau Headquarters.

As a result of the above practice, we have become increasingly aware of significant consumer and industry interest in these offers, and in other administrative actions taken by ATF on behalf of the consumer. We have, therefore, reviewed our policy with respect to public release of information relating to offers-in-compromise, suspensions and revocations. At the same time, we have also been reviewing our procedures relating to products withdrawn from the market for reasons of consumer concern, and have concluded that such information should be made available to consumers on a regular basis.

In view of the above, we hereby announce the following policy changes, which will become effective January 1, 1976. These changes will not generally apply to offers or other actions in process on or before that date. They will, however, apply to actions taken after that date.

1. Information concerning Bureau administrative actions will be handled as follows:

a. Regional directors, with prior headquarters approval, will be authorized to issue press releases on offers-in-compromise, suspensions and revocations, where the violation involved consumer deception, or where the Bureau determines that public release will serve as a deterrent against violations in a particular market area.

Such releases will include the name of the violator, administrative action taken, circumstances which caused ATF to take action, and corrective action. Information relating to trade secrets, operations, style of work or apparatus, or confidential data, will not be released. No releases will be made until ATF has completed action in the case.

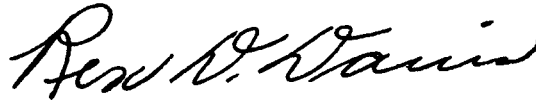
b. Publication of administrative actions in the ATF Bulletin will be expanded to include suspensions and revocations, as well as offers-in-compromise. Bulletin publications will include information as outlined in (a) above.

2. Information concerning deficient alcoholic products withdrawn from the market (i.e., recalls of products which have reached the retail or consumer level) will be handled as follows:

a. Instances involving mislabeling, gross underproofing or underfilling, or other similar violations will be announced in the ATF Bulletin on a monthly basis. The Bulletin announcement will contain enough specific information to enable consumers to identify the deficient product.

b. In cases involving significant consumer deception, large quantities of a deficient product, or a health hazard, ATF Headquarters will issue an immediate press release outlining the particulars of the matter. The release will include the name and address of the producer, and the measures employed by ATF and the producer to remove the product from the market or ensure minimal adverse impact on the consumer. It should be noted that any determination as to whether a product deficiency constitutes a health hazard will be made by ATF in conjunction with the Food and Drug Administration.

Inquiries regarding this circular should refer to its number and be addressed to the Bureau of Alcohol, Tobacco and Firearms, Assistant Director (Regulatory Enforcement), Washington, DC.

A handwritten signature in cursive script, reading "Rex D. Davis".

Rex D. Davis
Director